

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Dennis James Gaede,	)	
	)	
Petitioner,	)	<b>ORDER TO SUPPLEMENT RECORD</b>
	)	
vs.	)	
	)	
Robyn Schmalenberger, Warden,	)	
	)	Case No. 1:11-cv-068
Respondent.	)	

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In reviewing petitioner Gaede's amended petition for § 2254 relief, the court notes that he references an additional petition for state postconviction relief that was filed in Case No. 2012-cv-00345 in Cass County District Court, East Central Judicial District, and that this petition was later denied. Because the subject of that petition and the reasons its denial may impact on how this court treats one or more claims in this case (such as whether they have been exhausted and/or procedurally defaulted, for example) the court **ORDERS** respondent to file copies of the petition from that proceeding along with any briefs, the state court's order dismissing the petition, and any documents that indicate the status of the case in terms of any state appeal.

If respondent prefers, these records may be filed here electronically.

Dated this 1st day of April, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court